

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH SROUR,

Plaintiff,

-v-

KEECHANT SEWELL, In Her Official Capacity as
NYPD Police Commissioner *et al.*,

Defendants.
-----X

22 Civ. 3 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff Joseph Srouer brings this action challenging the constitutionality of New York City Administrative Code sections 10-303 and 10-310, and Title 38 sections 3-03 and 5-10 of the Rules of the City of New York. Currently before the Court is Plaintiff’s motion for summary judgment. Dkt. 25. It has come to the Court’s attention that the challenged provisions of the Rules of the City of New York were amended by the New York City Police Department following the denial of Plaintiff’s applications for firearms licenses and during the pendency of this action, yet the parties failed to notify the Court of this amendment. Additionally, the Court’s review of the evidence submitted by Plaintiff shows that the denial of his applications did not reference New York City Administrative Code section 10-303. Dkts. 27-1, 27-2, 27-3, 27-4. Finally, Plaintiff seeks a finding that he is a prevailing party under 42 U.S.C. § 1988, as well an award of compensatory damages in at least a nominal amount and leave to seek attorneys’ fees, but neither party has addressed these requests in their summary judgment briefing. Dkt. 26 at 16.

By July 14, 2023, Plaintiff shall file additional briefing addressing the following issues: 1) whether his claims are mooted, in whole or in part, by the amendments to the Rules of the City of

New York; 2) whether he continues to seek declaratory and injunctive relief in the form of a declaration that the version of the Rules of the City of New York which his applications were denied under was unconstitutional and an injunction preventing the enforcement of those provision; 3) whether Plaintiff is seeking any relief with respect to the amended provisions, and if so on what grounds; 4) on what grounds Plaintiff may challenge New York City Administrative Code section 10-303, which it does not appear from the record currently before the Court was the basis of any action taken against Plaintiff; and 5) the basis for the other forms of relief mentioned by the Court *supra*. Defendants shall file a response to this briefing by July 21, 2023. The parties shall each also attach to their briefing the version of the Rules of the City of New York sections in effect at the time of the denial of Plaintiff's applications and provide a source for those materials.

SO ORDERED.

Dated: July 5, 2023
New York, New York



JOHN P. CRONAN
United States District Judge